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FIRST APPEAL NO. 7283 of 1995

   Date of Decision : 19.6.1996

For Approval & Signature
THE HON'BLE MR. JUSTICE N.J. PANDYA
AND
THE HON'BLE MR. JUSTICE A.R. DAVE

      1. Whether reporters of Local Papers may be allowed
 to see the judgment ?

      2. To be referred to the Reporter or not ?

      3. Whether their Lordships wish to see the fair
       copy of the judgment ?

      4. Whether this case involves a substantial
       question of law as to the interpretation of the
       Constitution of India, 1950 or any other
       order made thereunder ?

      5. Whether it is to...

       Civil Judge ?

Mr. A.H. Mehta , learned Advocate for the Appellant
Mr. N.K.Majmudar , learned Advocate for the Respondent.

   CORAM : N.J.PANDYA & A.R DAVE, JJ
      19.6.1996

ORAL JUDGMENT ; [Per : Pandya, J]

 Original opponents of MAC Petition No. 578/93 of the
M.A.C.Tribunal (Auxi.) Vadodara, has filed the present appeal
mainly with regard to the quantum.

 It was an admitted position that the deceased victim of

the accident was working in the Government in Fisheries Department and his age was 52 years. In this background, to give multiplier of 12 is obviously an error resulting into the award very much on higher side.

Our attention was drawn to para-19 at page-9 of the paper-book. It appears that the learned Judge has been led away to give multiplier of 12 because there blank as to the age has been filled in with a figure "48" written in handwriting. The correct age has already been mentioned in para-16 at page-8 shown to be 52 years. The gap of these four years, if considered, which stratightway results into two situation. One that within these years, the deceased would have retired and would have started drawing retirement benefits including the pension. Necessarily, therefore, his monthly income based on the salary would have drastically come down.

To provide for future uncertainty and to make sure as to the loss of dependency etc., under the circumstances, at-best two years figure would have added bringing the multiplier to 8.

The multiplier of 12 is, therefore, clearly wrong and we, therefore, decide to substitute it with a multiplier of 8. The result, therefore, will be as under :
In the table given in para-19, against the figure of dependency of Rs. 3,26,880/, the figure will now be Rs.2,17,420/. The remaining two figures as to conventional sum for expectancy of life and for funeral expenses respectively of Rs. 20,000/ and Rs. 3000/ are allowed to remain as they are. The total amount thus awarded comes to Rs. 2,40,920/ instead of Rs. 3,49,880/. This brings about reduction of Rs. 1,08,960. The appeal is partly allowed to that extent with no order as to costs. As the appellants have already deposited the amount, the said difference is ordered to be refunded to them with proportionate costs and interest. Rest of the award stands as it is.

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Rawal*